

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
)
v.) Criminal No. 16-73
)
)
STEPHEN MATAKOVICH,) Judge Cathy Bissoon
)
)
)
Defendant.)

MEMORANDUM ORDER

Pending before the Court is Defendant Stephen Matakovich's Motion for Release Pending Appeal (Doc. 139). For the reasons that follow, the motion is denied.

The parties here do not meaningfully dispute the standard that is to be applied by the Court in making its determination as to whether a Defendant should be released pending an appeal under Title 18 U.S.C. § 3143(b). Suffice it to say, this Court finds that Defendant has not raised any substantial questions of law or fact, and has not demonstrated that the rulings at issue are fairly debatable among jurists of reason.

First, as the Government points out, the statements at issue are hearsay, plain and simple. As such, the Court indicated that they would only be admissible for

the purposes of impeachment. Second, the Court clearly found that what allegedly transpired in the vehicle well after the use of force was irrelevant to any issue before the jury. That the Court, in passing, indicated that the video was not probative of anything (and, consequently, that its potential for prejudice logically outweighed its lack of probative value), does not alter the Court's analysis.

For the reasons above, and as further discussed by the Government in its Response (Doc. 144) — said reasoning incorporated in full herein by reference — Defendant's motion is denied and Defendant must report to the U.S. Marshal as previously ruled.

IT IS SO ORDERED.

December 20, 2017

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record